

REMARKS

[0004] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-33 are presently pending. Supplemental amended claims herein: 1, 27, 30 and 33. No claims are withdrawn or cancelled. No new claims are added.

Statement of Substance of Interview

[0005] The Examiner graciously talked with me—the undersigned representative for the Applicant—on April 30, 2008. Applicant greatly appreciates the Examiner’s willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006] During the interview, I discussed how the claims differed from the primary cited art, namely Vallone. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007] I understood the Examiners to tentatively agree that independent claims 1 and 27 would be patentable over the cited art if amended as discussed during the interview.

[0008] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0009] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0010] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0011] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant presents supplemental amendments to claims 1, 27, 30 and 33 herein.

Formal Matters

[0012] This section addresses any formal matters (e.g., objections) raised by the Examiner.

Claim Objection

[0013] The Examiner objects to claim 9 (Action p. 2) due to indefinite claim language. Applicant herein amends this claim to overcome the Examiner's objection.

Substantive Matters

Claim Rejections under §§ 102 and 103

[0014] The Examiner rejects claims 1-2, 5-8, 10-15, 16-20, 24-31 and 33 under §102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0015] In addition, the Examiner rejects claims 3-4, 9, 21-23 and 32 under §103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0016] Accordingly, Applicant respectfully requests that the §102 and §103 rejections be withdrawn and the case be passed along to issuance.

[0017] The Examiner's rejections are based upon the following references alone and in combination:

- **Vallone:** *Vallone, et al.*, US Patent No. 6,642,939 (issued November 4, 2003);
- **Schindler:** *Schindler, et al.*, US Patent No. 5,675,390 (issued October 7, 1997);
- **Russon:** *Russon*, US Patent Publication No. 2004/0001107 (published January 1, 2004); and
- **Lu:** *Lu, et al.*, US Patent No. 6,647,548 (issued November 11, 2003).

Overview of the Application

[0018] The Application describes a technology for adding a mark to media content at a source location in response to the activation of a marking mechanism, and then resuming the presentation of the media content at a second location based on the mark. The source location may be the same as the destination location, or the source location may differ from the destination location (Application, Abstract).

Cited References

[0019] The Examiner cites Vallone as the primary reference in the anticipation and obviousness-based rejections. The Examiner cites Schindler, Russon and Lu as secondary references in the obviousness-based rejections.

Vallone

[0020] Vallone describes a technology for a multimedia schedule presentation system (Vallone, Abstract).

Schindler

[0021] Schindler describes a technology for an entertainment system that has a personal computer as the heart of the system (Schindler, Abstract).

Russon

[0022] Russon describes a technology for an image management system (Russon, Abstract).

Lu

[0023] Lu describes a technology for an audience measurement system (Lu, Abstract).

Anticipation Rejections

[0024] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

Based upon Vallone

[0025] The Examiner rejects claims 1-2, 5-8, 10-15, 16-20, 24-31 and 33 under 35 U.S.C. § 102(e) as being anticipated by Vallone. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Independent Claim 1

[0026] Applicant submits that Vallone does anticipate this claim because it does not disclose or describe at least the following features recited in this claim (emphasis added):

A method for presenting information via *a network of interconnected communicatively coupled physically distinct processing mechanisms*, comprising:

adding a mark, that is associated with the information, at a *source location processing mechanism* by activating a marking mechanism; and

presenting the information at a *destination location processing mechanism* based on the mark added at the source location processing mechanism,

wherein at least one of said adding the mark and said presenting the information involves displaying a visual indicator of the mark at a display position that is related to a time at which the mark was associated with the information,

wherein *the processing mechanisms in the network of interconnected communicatively coupled physically distinct processing mechanisms* are operable to facilitate:

presenting the information based on the mark added at the source location processing mechanism;

adding one or more additional marks to the information;

presenting the information based on the one or more additional marks;

adding one or more additional marks to other information; and

presenting the other information based on the one or more additional marks.

[0027] In order for Vallone to anticipate this claim, Applicant submits that Vallone must disclose each and every element and feature of the claim and that they must be arranged in the same manner as the claim. Applicant respectfully submits that Vallone does not disclose all of the claimed elements and features of claim 1. For example, Vallone does not show or disclose *"wherein the processing mechanisms in the network of interconnected communicatively coupled physically distinct processing mechanisms are operable to facilitate: presenting the information based on the mark added at the source location processing mechanism; adding one or more additional marks to the information; presenting the information based on the one or more additional marks; adding one or more additional marks to other information; and presenting the other information based on the one or more additional marks"*, as recited in claim 1.

[0028] Support for certain features recited in this claim as amended can be found at least at page 11, lines 9-21, page 14, lines 19-25 and page 15, lines 1-6 of the Specification.

[0029] The Examiner indicates (Action, p. 3) the following with regard to this claim:

adding a mark, that is associated with the information, at a source location by activating a marking mechanism (column 16, lines 34-40 – Vallone teaches here a bookmark feature, where the user can mark his place on a program, and come back later to begin watching at the same place); and presenting the information at a destination location based on the mark added at the source location (column 16, lines 49-50 – Vallone teaches that the viewer can “continue watching from the bookmark”), wherein at least one of said adding the mark and said presenting the information involves displaying a visual indicator of the mark at a display position that is related to a time at which the mark was associated with the information (column 21, line 11-18 – Vallone describes a “trick play bar” in which the bookmarks are indexed along the timeline of the program, and there are marks that are “labeled uniquely” to indicate to the user a bookmark at that position).

[0030] Instead, Vallone discloses and describes a multimedia schedule presentation system that displays program guide information in a two or three column mode (Vallone, column 1, lines 66-67 and column 2, lines 1-12) and provides a bookmark function that allows a user to bookmark a program where the user left off (Vallone, column 16, lines 35-36). Vallone does not disclose or describe “a network of interconnected communicatively coupled physically distinct processing mechanisms” as well as the capabilities of the “processing mechanisms”

as recited in this claim as amended because Vallone describes interaction with a **single device** with bookmark functionality. Vallone does not describe any bookmark functionality operable across a “network of interconnected communicatively coupled physically distinct processing mechanisms” as recited in this claim.

[0031] Consequently, Vallone does not disclose all of the claimed elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Independent Claim 27 and 33

[0032] Applicant submits that Vallone does anticipate these claims because it does not disclose or describe at least the following features recited in these claims (emphasis added):

receiving a user’s input via the mark panel display to perform *at least one of:*

creating a new mark in the first program; and

invoking a preexisting mark in a second program, wherein the second program differs from the first program

[0033] Instead, Vallone discloses (emphasis added):

... a bookmark function that allows the user to bookmark **a program** where he left off. The CPU records the frame of the program where the user stopped or the user commands the system to place a bookmark. For example, a user can watch the first half-hour of a two-hour program stored in the storage device 710 and then **bookmark the program** where he left off or he can place bookmarks within **the program** to mark points of interest. The user can, at any time, access

any of his bookmarks and continue viewing ***the program*** from the bookmark. Bookmarks within a ***single program*** can be set for different users. (Vallone, column 16, lines 34-60).

[0034] Vallone does not disclose or describe “receiving a user’s input via the mark panel display to perform *at least one of*: creating a new mark in the first program; and invoking a preexisting mark in a second program, *wherein the second program differs from the first program*” because Vallone only describes user interaction with a single program. In contrast, these claims recite both “the first program ... and ... a second program”.

[0035] Furthermore, the “perform ***at least one of***: *creating a new mark in the first program*; **and** *invoking a preexisting mark in a second program*” as recited in these claims imply that **both** the “*creating a new mark in the first program*” **and** the “*invoking a preexisting mark in a second program*” are performed (See SuperGuide Corporation v. DirecTV Enterprises, Inc., *et al.*, 358 F.3d 870 (Fed. Cir. 2004)).

[0036] Consequently, Vallone does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

Independent Claim 30

[0037] Applicant submits that Vallone does anticipate these claims because it does not disclose or describe at least the following features recited in these claims (emphasis added):

A system for presenting information via a network of *multiple communicatively coupled physically distinct processing mechanisms*, the system comprising:

one or more memory

one or more processor;

logic that when executed by the one or more processor performs tasks comprising:

adding a mark that is associated with the information, at a source location processing mechanism by activating a marking mechanism; and

presenting the information at a destination location processing mechanism based on the mark added at the source location processing mechanism,

wherein adding the mark or presenting the information results in the display of a visual indicator of the mark at a display position that is related to a time at which the mark was associated with the information,

wherein the processing mechanisms in the network of multiple communicatively coupled physically distinct processing mechanisms are configured to present the information based on the mark added at the source location processing mechanism.

[0038] For example, Vallone does not disclose or describe "A system for presenting information via a network of *multiple communicatively coupled physically distinct processing mechanisms ... wherein the processing mechanisms in the network of multiple communicatively coupled physically distinct processing mechanisms are configured to present the information based on the mark added at the source location processing mechanism*" as recited in this claim.

[0039] Applicant respectfully submits that based on reasoning similar to that discussed above in response to the rejection of claim 1, Vallone does not disclose all of the claimed elements and features of claim 30 because Vallone describes interaction with a ***single device*** with bookmark functionality. For the sake of brevity, Applicant has not repeated the arguments.

[0040] Consequently, Vallone does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0041] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Vallone in View of Schindler

[0042] The Examiner rejects claims 3-4 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Vallone. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Dependent Claims 3-4 and 32

[0043] Claims 3-4 ultimately depend upon independent claim 1. Claim 32 ultimately depends upon independent claim 30. As discussed above, claims 1 and 30 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0044] For example, Vallone in view of Schindler does not show, teach or suggest "wherein the source location processing mechanism differs from the destination location processing mechanism" as recited in these claims because Vallone teaches a *single multimedia schedule presentation system*, and Schindler teaches an entertainment system that has a *personal computer* as the heart of the system. Neither Vallone nor Schindler, alone or in combination, teach any

multiplicity of systems or personal computers. Therefore, the combination of Vallone and Schlinder does not show, teach or suggest "wherein the source location processing mechanism differs from the destination location processing mechanism".

[0045] Consequently, the combination of Vallone and Schlinder does not teach or suggest all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

Based upon Vallone in View of Russon

[0046] The Examiner rejects claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Vallone in view of Russon. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0047] Claims 21-23 ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0048] Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

Based upon Vallone in View of Lu

[0049] The Examiner rejects claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Vallone in view of Lu. Applicant respectfully traverses the rejection of this claim and asks the Examiner to withdraw the rejection of this claim.

[0050] Claim 9 ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

[0051] Accordingly, Applicant asks the Examiner to withdraw the rejections of these claims.

Dependent Claims


[0052] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0053] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Attorneys for Applicant



Dated: 5-5-2008

Kasey Christie (kasey@leehayes.com; x232)

Registration No. 40,559

E. John Fain (johnf@leehayes.com; x256)

Registration No. 60960

Assistant: Megan Arnold (megan@leehayes.com; x270)

Customer No. **22801**

Telephone: (509) 324-9256

Facsimile: (509) 323-8979

www.leehayes.com